

THE SECRETARY OF DEFENSE

WASHINGTON

OSD Declassification/Release Instructions on File

MAY 19 1948

Dear Mr. Webb:

On November 17, 1947, you requested the views of the National Military Establishment on a draft of a Bill "To Amend Section 605 of the Communications Act of 1934 in order to increase the security of the United States, and for other purposes." This draft was originally transmitted to the Bureau of the Budget on April 7, 1947, by the Department of the Navy, and was commented on by the Attorney General on June 23, 1947, and by the Federal Communications Commission on October 15, 1947.

In reply to your request, there is transmitted herewith an amended version of the original draft, which represents the coordinated views of the National Military establishment. It is believed that the amended draft will, in large measure, meet the objections to the original draft while preserving those provisions which are essential to carry out its purpose.

In his comments, the Attorney General stated that it was his opinion that the language of the original draft which defined agencies which might be designated by the President to exercise the authority granted therein was too indefinite and broad. Careful consideration has been given to this viewpoint, but it remains the opinion of the National Military Establishment that the proper manner to provide for exemption from Section 605 is to place the designation of the appropriate agencies in the discretion of the President. It is felt that it is preferable to leave to the judgment of the President the selection of agencies, rather than attempt to either confine them to a class or to specifically name the agencies in the Bill.

The objection of the Federal Communications Commission to the original draft was that the language was so broad that it amounted to virtually a complete nullification of Section 605 of the Communications Act of 1934. It is believed that the amended draft adequately corrects any such possibility by limiting the interception, receipt or utilization in the interest of national security of the contents of any communication to those of foreign governments.

Mr. James E. Webb
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The need for legislation of the type provided in the enclosed measure is very urgent. It is believed that the accompanying draft is designed to permit access to source material needed by those agencies charged with the national security without interfering with the rights and freedoms of private citizens. It effectuates the determination expressed by the Joint Committee on the Investigation of the Pearl Harbor Attack that "the situation should never again be permitted whereby the efforts of our government to combat forces inimical to our national security are hamstrung by restrictions of our own imposition which aid the enemy."

Inasmuch as the National Military Establishment believes that the problem involved should be submitted to the Congress at its present session, it would be appreciated if you would inform me at your earliest possible convenience as to whether or not the enclosed draft is in conformity with the program of the President.

Sincerely yours,

James Forrestal

Enclosure

Mr. James E. Webb
Director
Bureau of the Budget
Washington, D. C.